

# CENTRAL INFORMATION COMMISSION

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**Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)**

Central Information Commissioner

**CIC/BS/A/2016/001530**

**Harinder Dhingra v. PIO, ESIC, Faridabad**

RTI	:	06.02.2016
FAO	:	Nil
Second Appeal	:	02.06.2016
Hearing	:	23.03.2017
Appellant	:	Shri Tarun Dhingra, rep. of Shri Harinder Dhingra
Public authority	:	Smt. Amita Suresh, Dy. Director Shri Ravindra Singh, Dy. Director
Decided on	:	24.03.2017

## FINAL ORDER

### FACTS:

1. The appellant sought copies of thumb impression of Mr. Vikas Yadav, UDC for appearing in examination/test conducted by ESIC/authorised agency for appointment as UDC in ESIC. He also demanded name and designation of officer who is providing this information. The CPIO in his reply dated 09.03.2016 informed the appellant that Mr. Vikas Yadav was not selected for the post of UDC. The FAA directed CPIO to provide the necessary information if it exist on record. The appellant approached the Commission.

### **Decision:**

2. The appellant gave the background about the selected LDC's in a test conducted at Faridabad by ESIC on 20<sup>th</sup> September, 2009. The appellant in his second appeal to the Commission submitted the following:

*"The undersigned was shocked to find that **signatures on admit card** of & Attendance Sheet of abovementioned successful candidates in written test, who were appointed as LDC in the said exams are quite different to the signatures of **persons who***

**appeared** for said examination on 20<sup>th</sup> September 2009. To a lay man like undersigned who is not a handwriting expert the difference is quite evident. It is evident that abovementioned candidates who applied and **were appointed** LDC in ESIC were **not the ones who appeared** for examination. It was a la Munna Bhai MBBS (Hindi Film) movement.

The undersigned also got **signatures of admit card & signatures of said candidates in Attendance Sheet of Computer Skill Test** under RTI Act, 2005 and that too were different meaning thereby that here in Computer Skill test also people who **were appointed** as LDC in the said test were not the ones **who took** Computer test. Here again it was a la Munna Bhai (Hindi Film) movement.

The Scores secured by impersonating candidates were as follows:

Name of the Candidate	Number procured in Computer Skill test
1) Nityanand Kumar	47.5
2) Vikas Kumar	35.6
3) Sombir	33.2
4) Dev Roshan Patel	39.4
5) Rakesh Kumar	42.1
6) Vishal	30.1
7) Manjit Yadav	34
8) Rahul Khandelwal	26

Over all minimum 40% qualifying marks fixed for Computer Skill Test.

It is quite evident that at-least these eight successful candidates who were appointed LDC in ESIC & later may have been promoted to UDC etc etc got the appointment through illegal unfair & unfair & mala-fide means.

It is prayed that through investigation may be carried out to know the truth in undersigned above submissions & if found true then appropriate action be taken against all those responsible in the sordid Scam.

It is also pertinent to mention here that this is only tip of iceberg; the undersigned has sought information about Social Security Officer (also known as ESIC Inspector) of Delhi region and shall be complaining with all relevant details in due course of time."

3. The CPIO of the respondent authority provided a list of documents as sought by the appellant but could not provide the thumb impression of the candidates because they could not be procured at the time of the examination.

4. The appellant alleged that though the public authority has provided the information as available, it has not taken into cognisance the serious scandal pointed out in his various RTI applications. The very purpose of the RTI Act is to empower a citizen to question the inaction in the form of seeking information. It is clear from his applications and representations that something is seriously wrong and a kind of mini "vyaapam" scandal might have happened in the public authority. The Commission is surprised to know that nothing was initiated to probe this Munnabhai filmy type of impersonation scandal in spite of detailed RTI requests along with relevant copies in at least 11 cases.

5. The appellant alleged that around 800 candidates were appointed to various posts by conducting different examinations at different regional offices of the public authority, and he suspects hundreds of impersonations. He also claimed that he has repeatedly represented this matter to various authorities, but there was no response. It is not just the issue of ineligible candidates being appointed, but the problem of ineligible candidates working in ESIC from many years which will adversely affect the performance of the duties of the employees that might result in en masse violation of rights of workers.

6. The appellant submitted before the Commission that eight members have impersonated and wrote examination for other candidates and helped ineligible candidates to secure employment wrongfully. He expressed confidence that he could prove this allegation and also stated that if this is probed further, it could reveal a scandal of impersonated selections. The appellant stated that he has filed a comprehensive complaint along with relevant documents to various authorities including the Vigilance Officer of the Public Authority.

7. It is surprising that the public authority could not discover such a serious issue of impersonation from the documents submitted by the applicant and the files available with their own office. There is a huge public interest in the batch

of RTI applications filed by the appellant. The Commission finds an urgent need to probe into this impersonation scandal.

8. Hence, the Commission directs the public authority headed by Director General to consider the RTI applications of the appellant and this appeal as formal complaint and inform him and the Commission, the action taken on this complaint within two months from the date of receipt of this order.

9. The office of this Commission is directed to mark a copy to the Hon'ble Minister for Labour and Employment, and Principal Secretary of the Ministry, along with the copy of the complaint filed by the appellant for necessary and immediate action.

Sd/-

(M. Sridhar Acharyulu)  
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)  
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,  
ESIC, Regional Office,  
Panchdeep Bhawan, Sec-16,  
Faridabad, Haryana.
2. Shri Harinder Dhingra,  
D4A/7, DLF Phase-01,  
Gurgaon-122002, Haryana.
3. Union Minister  
Ministry of Labour & Employment  
Government of India  
Shram Shakti Bhawan  
Rafi Marg, New Delhi – 110 001

4. Secretary  
Ministry of Labour & Employment  
Government of India  
Shram Shakti Bhawan  
Rafi Marg, New Delhi – 110 001